IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 36827 of 2004(H)

PETITIONER:

**MALAYIKKADA HANDLOOM WEAVERS
CO-OPERATIVE SOCIETY, REP. BY ITS SECRETARY,
MANGALATHUKONAM, (P.O) KATTACHALKUZHY,
THIRUVANANTHAPURAM DIST.**

BY ADV. SRI.M.K.DILEEP KUMAR

RESPONDENTS:

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1. **STATE OF KERALA,
REP. BY ITS SECRETARY TO INDUSTRIES DEPARTMENT,
THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF HANDLOOMS & TAXTILES,
VIKAS BHAVAN, THIRUVANANTHAPURAM.**

3. **THE GENERAL MANAGER,
DIST. INDUSTRIES CENTRE, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. MANOJ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

W.P.(C) No.36827 of 2004

Dated 28th February, 2007.

J U D G M E N T

Petitioner society is aggrieved since the rebate as claimed by the petitioner was refused. Ext.P7 is the order passed by the Government. The stand taken by the Government is that as per the norms, the eligible amounts were sanctioned and paid. It is also stated in the impugned Ext.P7 order that the claims are exorbitant and not as a result of genuine retail sales for which rebate is admissible. Thus it is fairly clear that there is a dispute on facts. It is for the petitioner to take recourse to the remedy before the civil court to establish the genuineness of the claim. Without prejudice to such liberty, this writ petition is dismissed. It is made clear that in the event of the petitioner approaching the civil court as above, the time taken for prosecuting this writ petition shall stand excluded in computing the period of limitation.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 28th February, 2007.